

**Village of Indian Head Park
201 Acacia Drive
Indian Head Park, IL 60525**

**MEETING MINUTES
BOARD OF TRUSTEES**

“Pursuant to 5 ILCS 120/c.06 (3) minutes of public meetings shall include, but need not be limited to a general description of all matters proposed, discussed, or decided and a record of votes taken.”

Thursday, August 9, 2012

7:30 p.m.

CALL TO ORDER – MAYOR RICHARD ANDREWS

The regular scheduled meeting of the Village of Indian Head Park Board of Trustees was held on Thursday, August 9, 2012 at the Municipal Facility, 201 Acacia Drive, and was called to order at 7:30 p.m. by Mayor Richard Andrews. Village Clerk Joseph Consolo called the roll as follows:

ROLL CALL: JOSEPH CONSOLO, VILLAGE CLERK

PRESENT (AND CONSTITUTING A QUORUM):

Mayor Richard Andrews
Trustee Brian T. Bailey
Trustee Anne Bermier
Trustee Dennis Schermerhorn
Trustee Norman L. Schnauffer
Trustee Matthew P. Walsh

ALSO PRESENT:

Frank Alonzo, Chief of Police/Administration
Joseph V. Consolo, Village Clerk
Richard Ramello, Counsel, Storino, Ramello & Durkin
Edward Santen, Water/Public Works Superintendent

NOT PRESENT:

Trustee Debbie Anselmo
Steve Busa, Treasurer

PLEDGE OF ALLEGIANCE TO THE FLAG

Mayor Andrews and the Board of Trustees led the audience in reciting the Pledge of Allegiance to the Flag: *“I Pledge Allegiance to the Flag of the United States of America and to the republic for which it stands, one nation under God indivisible with liberty and justice for all”*.

MAYOR’S REPORT

On behalf of the Village Board, Mayor Andrews extended condolences to Trustee Anselmo and her family on the loss of her grandmother who passed away this week.

Mayor Andrews reported that there will be a memorial dedication in the near future for Kelli O’Laughlin once the Village has all the details in place.

Mayor Andrews stated on Saturday, September 8th at 2:00 p.m. the Lyonsville Church will be hosting a ceremony at the Lyonsville Cemetery dedicating headstones for war veterans who are buried on the grounds. He added that seventy-two men will also be honored on the 150th anniversary of these gentlemen from the area who mustered into the union army. Mayor Andrews mentioned that the ceremony is open to the public, local historians will be present to provide information from that time period, a cannon salute will take place, representatives from the American Legion Post 1941 will be present and everyone is welcome to attend.

Mayor Andrews reported that he checked with the Township of Lyons to determine if there are any plans to pave 65th Street along Willow Springs Road north from the Walgreens. He noted the Township has no plans to pave 65th Street.

Mayor Andrews reported that Trustee Carol Coleman tendered her resignation as Village Trustee effective July 31st. He noted that Trustee Coleman mentioned that her family commitments have become too great for her to be able to fulfill the duties on the Village Board. Mayor Andrews stated Carol was a dear friend, an outstanding Trustee for nineteen years, she set high standards as a Trustee and she will be missed.

Mayor Andrews stated that Dave Vandervelde from Christopher Burke Engineering has been working hard to submit the proper paperwork to the Federal Highway Administration to have the entire length of Acacia Drive from the north to the south entrance reclassified from a local road to major collector street. This status will allow the Village to be eligible in the future to seek Federal funds for road maintenance and paving on Acacia Drive, should funding become available. Mayor Andrews noted that the Village previously received a \$400,000 grant from Federal funding for road maintenance and paving on Blackhawk Trail, which is classified as a major collector street in the Village.

NOMINATION TO APPOINT DENNIS SCHERMERHORN AS VILLAGE TRUSTEE FOR THE TERM ENDING APRIL 30, 2013 TO FILL THE UNEXPIRED TERM VACATED BY TRUSTEE CAROL COLEMAN (DISCUSSION AND A POSSIBLE VOTE MAY TAKE PLACE)

Mayor Andrews stated that Dennis Schermerhorn has agreed to serve the remainder of Trustee Coleman's unexpired term as Village Trustee ending April 30, 2013. He added that Dennis Schermerhorn has been a resident for over ten years, he has served on the Planning and Zoning Commission since 2002 and was appointed Chairman in 2006, he has experience in law and government affairs, he has a business and economics background, he received his Juris Doctorate degree from Chicago Kent Law School in 1977 and he is qualified to serve as Trustee.

Mayor Andrews stated that he also was appointed to serve the Board to fill an unexpired term as Trustee in the early 1990's. Mayor Andrews entertained a motion to nominate Dennis Schermerhorn to serve as Village Trustee to fulfill the unexpired term of Trustee Carol Coleman. Mayor Andrews stated that Trustee Anselmo sent a letter as follows: *"Dear Mayor Andrews and Fellow Board Members, my apologies for not attending the meeting this evening, due to attending a wake for a family member. While I cannot attend the meeting, I wish to extend my support for Dennis Schermerhorn to fill the unexpired term of Trustee Carol Coleman. We will surely feel the impact of Carol's absence dealing with the day to day administration in Indian Head Park with her vast experience and perspective. The appointment of Dennis Schermerhorn will benefit the entire Village as he has proven during his leadership on the Planning and Zoning Commission"*.

Trustee Bermier moved, seconded by Trustee Walsh, to appoint Dennis Schermerhorn as Village Trustee to fulfill the unexpired term of Trustee Carol Coleman for the term ending April 30, 2013. Carried by unanimous roll call vote (5/0/1).

Ayes: Trustees: Bailey, Bermier, Schermerhorn, Schnaufer, Walsh

Nays: None

Absent: Anselmo

Village Clerk Joe Consolo administered the Oath of Office to Dennis Schermerhorn to serve as Village Trustee.

CONSENT AGENDA ITEMS

Reappointment of Thomas Anselmo to the Fire and Police Commission for the term ending July 22, 2014.

*Approval of an Ordinance Amending Section 10.16.010, Regarding Prohibiting Parking in Certain Areas of Tanglewood in the Acacia Subdivision (**Ordinance #2012-12**).*

Mayor Andrews entertained a motion to approve the consent agenda. Trustee Bailey moved, seconded by Trustee Walsh, to approve the consent agenda, as presented. Carried by unanimous roll call vote (5/0/1).

Ayes: Trustees: Bailey, Bermier, Schermerhorn, Schnaufer, Walsh

Nays: None

Absent: Anselmo

APPROVAL OF BOARD MEETING MINUTES

Minutes of the Regular Board Meeting – July 12, 2012

After review of Board meeting minutes, Trustee Schnaufer moved, seconded by Trustee Bailey, to approve the July 12, 2012 Board meeting minutes, as amended. Carried by unanimous voice vote (5/0/1).

QUESTIONS AND/OR COMMENTS REGARDING AGENDA ITEMS ONLY

None

PRESENTATION BY WEST SUBURBAN CHAMBER OF COMMERCE

Mayor Andrews welcomed Dan Halm, an Executive Board Member from the West Suburban Chamber of Commerce who is also a new resident in the Village of Indian Head Park on Apache Drive. Mr. Halm thanked the Board for inviting him to the Board meeting this evening. He noted the Chamber of Commerce is a regional chamber that serves as an advocate for communities it serves, such as businesses that are both for profit and not for profit as well as municipalities that are part of the service area. Mr. Halm stated that Indian Head Park, as well as Countryside, Western Springs, Willow Springs, LaGrange, LaGrange Park, Hodgkins and McCook are members of the chamber servicing area. He noted that the chamber of commerce is an extension of the Village's economic development efforts and now more than ever municipalities are forced to work harder to do more with less funds. Mr. Halm stated that the chamber staff can be a tremendous resource to the Village of Indian Head Park by partnering with the chamber to promote the Village's effort for community development.

Mr. Halm stated that membership in the chamber of commerce allows municipalities to promote their community via the chamber Website or e-mail blasts on a monthly basis. Mr. Halm further stated the chamber is working hard to facilitate relationships among area elected officials through legislative events hosted by the chamber. He added the goal is to introduce the chamber to municipalities to possibly join as a member to benefit from the programs and services. He invited Indian Head Park to consider partnering with the chamber of commerce to promote economic development.

Mayor Andrews thanked Mr. Halm for attending the meeting and also mentioned he spoke with Mr. Erickson from the West Suburban Chamber of Commerce regarding commercial business opportunities that are available in Indian Head Park. Trustee Walsh asked how many businesses are members of the chamber of commerce. Mr. Halm stated there are about three hundred businesses with about 1,400 employees and the chamber of commerce is still growing.

Trustee Bailey asked if there are any Indian Head Park businesses that have joined the chamber of commerce.

Mr. Halm stated he would provide the Board with a list of specific companies in Indian Head Park that are members of the chamber of commerce.

REPORT FROM THE PLANNING AND ZONING COMMISSION

Report and Recommendation from the Planning and Zoning Commission Regarding Petition #177 an Amendment to the Ashbrook P.U.D. Concerning 11165 Ashbrook Lane.

Trustee Schermerhorn reported that the Planning and Zoning Commission held a public hearing on Tuesday, August 7, 2012. He noted Petition #177 was presented by Mr. Katris for an amendment to the Ashbrook Planned Unit Development for the property located at 11165 Ashbrook Lane. Trustee Schermerhorn noted the Commission was presented with a petition to amend the Planned Unit Development to allow for the construction of a raised patio structure with attached pergola at the rear (south) side of the residence.

The petition was presented by the attorney for Mr. Katris who stated that the owner wished to replace a crumbling patio. The construction was completed last August without a building permit from the Village or a zoning variance as required due to a rear yard encroachment. Trustee Schermerhorn stated that a pergola constituting a structure also falls within the rear yard area. He noted the Ashbrook Estate Homes Association approved a patio and knee wall based on presentations to the association in February. There was considerable discussion as to why the owner felt he could construct without a permit. While the owner by his contractor stated that he made application and plans available to the Village and was verbally told he could proceed with construction, the alleged permit applications were not made available by the owner, and the Village does not have a record of the application for the structures that were built.

Trustee Schermerhorn stated there was insufficient information available at the hearing to determine what the Ashbrook Association was given in order to make an informed decision, as well as a lack of documentation relating to the permit issue. Mr. Fournier, the attorney for Mr. Katris, requested a continuance to the next meeting of the Planning and Zoning Commission scheduled for September 4th so further documentation could be provided. The Commission voted to continue this zoning matter to the September 4th meeting.

Trustee Bermier moved, seconded by Trustee Walsh, to accept the report from the Planning and Zoning Commission with regard to Petition #177, as presented by Trustee Schermerhorn. Carried by unanimous voice vote (5/0/1).

AGENDA ITEMS (DISCUSSION AND A POSSIBLE VOTE MAY TAKE PLACE)

(1) Ordinance Regarding Submission to the Electors of the Village a Question Whether the Village Should Have Authority to Arrange for the Supply of Electricity.

Mayor Andrews stated at the last meeting, the Board discussed the topic of electrical aggregation. He noted the purpose of placing a question on the ballot is to ask electors whether the Village should have the authority to arrange for the supply of electricity which is the first step in the process. Mayor Andrews stated the Board will be considering an ordinance to place the question on the ballot and if the majority of the voters are in favor of it, the Board would have the authority to seek competitive bids for possibly lower electric rates for the community.

Counsel Ramello stated a few years ago through legislation Commonwealth Edison was split into two entities (one company to provide the electricity and one company to maintain the wires). He noted currently Commonwealth Edison does not generate electricity it solely maintains the wires that brings the electricity from the power station to the homes. Counsel Ramello stated that Excelon generates the power and they along with other power companies across the United States now have the right to supply homeowners with the electrical power. He noted for a number of years, large electrical consumers such as US Steel, General Motors, Electromotive would buy electricity from various power generators in bulk at a reduced price because they were buying in volume. Counsel Ramello stated that due to recent legislation in the Illinois Power Act, communities either by themselves or pooling together with neighboring communities can now seek bids from various power generators who will then guarantee a price that is generally lower than the price offered by Commonwealth Edison to bring power to homes. Counsel Ramello stated that utility bills will still come from Commonwealth Edison even if power is coming from another power generator source at a lower rate for electricity. He noted if the majority of the voters choose to elect for the municipality to seek bids from various generators possibly lower prices could be obtained for electricity. If someone does not wish to participate they may “opt out” of the program individually and arrange for electricity with the company of their choice.

If someone does not opt out they would be part of the process with the Village to seek bids from various electric suppliers for possibly lower rates for the entire community.

Counsel Ramello stated if the voters agree and the majority of voters are in favor of the electrical supply referendum, the Village Board would proceed with the next step in the process to seek bids for electricity, letters would be sent to homeowners.

Mayor Andrews stated that if the referendum is approved, the Board would obtain bids from various electrical suppliers and possibly lower rates could be obtained for a larger group seeking rates rather than an individual rate.

Trustee Schermerhorn asked if any other neighboring communities have received voter approval regarding the electrical referendum. Counsel Ramello stated in the last election many communities placed a question on the ballot. He noted Brookfield and Westchester approved the electric referendum in the last election and both are seeking bids for the supply of electricity. Trustee Schermerhorn inquired whether Indian Head Park could join other communities in the electric bid process to possibly obtain even lower rates as a larger group. Counsel Ramello stated that certainly the Board could approach other Villages that have passed the referendum to determine if there is interest in joining together with those Villages to seek bids and the Villages do not have to be contiguous.

Trustee Bailey asked if the Village would have to guarantee with the electric supplier that a certain amount of electricity would be used for the lower rate. Counsel Ramello stated that the electric generator company would obtain historical power usage information to determine the rate to be offered. Trustee Bailey asked if there are other towns that have not approved the electric referendum. Counsel Ramello stated that voters in Elmwood Park and a couple other communities voted against the electric referendum and possibly it was due to lack of information to the public, someone may not have fully understood the question on the ballot and Commonwealth will still send the bill and provide service no matter who provides the electricity.

Mayor Andrews asked if the majority of voters in Indian Head Park do not approve the referendum can the issue be placed on the ballot again. Counsel Ramello stated the Board can authorize the question on the ballot at any election.

Trustee Schermerhorn stated the language for the question to be placed on the ballot is not very specific.

He inquired if the referendum language is directed by the Illinois Power Agency Act and can the Board modify the language or change the format of the question. Trustee Schermerhorn stated the average voter will not spend a lot of time reading the question on the ballot before voting and the wording might be interpreted as the Village would be the electrical supplier when that is not the case. He asked if the language could be changed possibly to read: *“shall the Village of Indian Head Park have the authority to negotiate and arrange for a reduced rate electrical provider to Village residents”*. Counsel Ramello stated he would look into it but he believes the language cannot be altered that substantially, State Statute defines how the question must be placed on the ballot, it is consistent with requirements of the Statute and there is no guarantee there would be a reduced rate. Mayor Andrews stated that the Village needs to file an approved ordinance this month with Cook County for placement on the ballot, there is not another Board meeting before the filing deadline and the language is consistent with the question on the ballot in other communities.

Trustee Bermier stated that a letter could possibly be sent to associations informing them of the question on the ballot and explaining the process. Counsel Ramello stated that information to the community and associations would be helpful. Mayor Andrews asked Trustee Bailey and Trustee Schermerhorn to work on information regarding the electric referendum topic that could be provided to the community by way of a flier in the newsletter or the Website prior to the upcoming election. Counsel Ramello stated that various power companies have promotional packets that have been provided to communities as well as the Illinois Power Agency that has information on the electric topic.

Trustee Schnauffer asked if the Board could vote on the ordinance subject to approval by Counsel if changes were made to the ordinance. Counsel Ramello stated that any changes made to the ordinance would require approval at a special meeting and a quorum of the Board would need to be present to vote on the matter. Mayor Andrews stated the deadline to file an approved ordinance is August 20th and the language in the ordinance as presented for Board approval is consistent with the requirements of the State Statute. He recommended the Board vote on the ordinance presented this evening.

Superintendent Ed Santen asked if alternate electric suppliers are selected how would it affect the franchise agreement the Village has with Commonwealth Edison. Counsel Ramello stated there would be no impact on the franchise agreement. He noted the rate Commonwealth Edison charges to its customers has a built in franchise cost so there would be no change.

Trustee Bailey moved, seconded by Trustee Bermier, to approve an ordinance regarding submission to the electors of the Village a question whether the Village should have authority to arrange for the supply of electricity. Carried by unanimous roll call vote (5/0/1). (***Ordinance #2012-13***)

Ayes: Trustees: Bailey, Bermier, Schermerhorn, Schnaufer, Walsh

Nays: None

Absent: Anselmo

Tim Kyzivat, of Stonehearth Lane, stated the sooner the issue is placed on the ballot the better regardless of the wording of the question because if approved, it would be a benefit to all of the community. He added that additional information can be provided to the public regarding the electric referendum. Aileen Henkel, of 14 Algonquin, stated she heard there will be electric rate increases next spring whether it is other power generator companies or Commonwealth Edison. Counsel Ramello stated that Commonwealth Edison has applied to the Illinois Commerce Commission for a rate increase, the electric aggregation contracts can be one, two or three years and after that the Village is free to stay with the same power generator company or select a new company.

Trustee Bailey asked if the electric contract expires does the Village need to present another referendum question on the ballot. Counsel Ramello stated, no. Mayor Andrews asked if the voters approve the electric aggregation authority is the Village mandated to move forward with it. Counsel Ramello stated it is not mandatory for the Village to adopt an ordinance to aggregate but it should be explored if the voters approve the electric referendum.

Tim Kyzivat, of Stonehearth Lane, asked if the Board approves the ordinance is there further review of the referendum language for the ballot. Counsel Ramello stated a certified copy of the ordinance approved by the Village is submitted to Cook County which includes the specific referendum question to be placed on the ballot. He added that the referendum question should be consistent with State Statute to avoid future challenges.

(2) Ordinance Regarding Submission to the Electors of the Village a Question Whether the Property Tax Extension Limitation of the Village Should be Increased. (Ordinance #2012-14)

Mayor Andrews stated the Board will consider an ordinance regarding a referendum question to the voters of Indian Head Park whether the property tax extension limitation of the Village should be increased. He added the purpose of the referendum is to ask residents to pay a little bit more on their taxes to pay for the operation of Village services. Mayor Andrews pointed out the language in the ordinance as well as the explanation of the referendum question is mandated by State Statute.

Mayor Andrews stated that approximately an additional \$200,000 in revenue would be generated if the referendum is approved by the majority of the voters. He noted that referendum questions were previously placed on the ballot in March asking for an additional \$350,000 in revenue to be generated. For a market value home (determined by the assessor) a \$100,000 value home would be about \$40.72 in additional tax to pay for all Village services and as values increase the amount would be increased based on the value. Mayor Andrews stated the Board discussed at great length previously how increased revenue would be used and there has not been a property tax increase at the local level in over sixteen (16) years. He noted, revenues have decreased as new development was completed several years ago, the 1% increase in sales tax helped the Village get by for a few years, the property tax cap limits the Village as a non-home rule community, employees have not had pay raises in over three years, many street projects were put on hold and infrastructure is in need of maintenance.

Mayor Andrews stated in March residents had an opportunity to vote on referendum questions on the ballot to authorize additional funding to pay for police protection services, road maintenance and Village services. The referendum questions in March did not pass. He pointed out there is a debt certificate payment coming due and various other Village obligations and the current referendum question on the ballot is another attempt to ask voters for approval of a small amount to help pay for services and maintenance of the Village.

Mayor Andrews stated he has lived in Indian Head Park for thirty-four (34) years, it is a nice community, he would like to see the community stay that way, Indian Head Park is a park-like atmosphere and there is not much commercial development to bring in substantial revenues. Mayor Andrews stated that although his property taxes went up, only \$12.00 of the total tax increase came back to Indian head Park to pay for all Village services (police, public works and other administrative support services) with the rest of the increase going to other agencies.

Superintendent Ed Santen asked if the \$200,000 increase in revenue would be every year, if approved by the voters. Mayor Andrews stated the referendum question to raise an additional \$200,000 in revenue is a one-time step up above the tax cap. He noted the Village raised less than one million dollars from property taxes and there is a budget of over three million dollars (not even 1/3rd of the cost of running the Village comes from property taxes).

Trustee Schnaufer moved, seconded by Trustee Walsh, to approve an ordinance regarding submission to the electors of the Village a question whether the property tax extension limitation law of the Village should be increased. Carried by unanimous roll call vote (5/0/1). (**Ordinance # 2012-14**)

Ayes: Trustees: Bailey, Bermier, Schermerhorn, Schnaufer, Walsh

Nays: None

Absent: Anselmo

(3) Appointment of Noreen Costelloe as Chairperson of the Planning and Zoning Commission for the Term Ending April 30, 2015 to fill the Unexpired Term Vacated by Dennis Schermerhorn.

Mayor Andrews stated that he received a letter of resignation from Dennis Schermerhorn as Chairman of the Planning and Zoning Commission since he was appointed to serve on the Village Board. He noted that Noreen Costelloe has been nominated to serve in the capacity as Chairperson of the Planning and Zoning Commission.

Trustee Schermerhorn moved, seconded by Trustee Bailey, to appoint Noreen Costelloe as Chairperson of the Planning and Zoning Commission for the term ending April 30, 2015 to fulfill the unexpired term vacated by Dennis Schermerhorn. Carried by unanimous voice vote (5/0/1).

(4) Family Fun Event/Heritage Center Open House

Mayor Andrews stated there was discussion previously about hosting a family fun event in late September to celebrate the renovations at Blackhawk Park and also the exterior improvements at the Heritage Center. He noted that in light of the fact that the Board is asking residents for an increase in Village revenue on the upcoming ballot, now would not be the proper time to expend funds for those events. Mayor Andrews stated the annual book sale at the Heritage Center is still planned this year.

QUESTIONS AND/OR COMMENTS FROM THE AUDIENCE

None

ADJOURNMENT

There being no further business to discuss, Trustee Walsh moved, seconded by Trustee Bailey, to adjourn the regular Board meeting at 9:10 p.m. Carried by unanimous voice vote (5/0/1).

Respectfully submitted,
Kathy Leach, Deputy Village Clerk/Recording Secretary